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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,686	10/22/2003	Frank Yang	MR2349-964	4900
4586	7590	04/27/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			ROY, SIKHA	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,686

Applicant(s)

YANG ET AL.

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is FINAL.. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I claims 1-5 in the reply filed on January 31, 2006 is acknowledged.

Cancellation of claims 6 and 7 has been entered.

Specification

The disclosure is objected to because of the following informalities:

Page 4 line 9 'the operator place' should be replaced with --the operator places--.

Page 4 line 19, 'the operator apply' should be replaced with --the operator applies--.

Page 7 line 18 'the inventor design' should be replaced by --the inventor has designed--.

Page 8 line 17 'the prior is easily to generate' should be replaced by --the prior art easily generates--

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2879

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-184329 to Yamada et al.

Regarding claim 1 Yamada discloses (Figs 2, 5 English translation paragraphs [0021], [0032]-[0037]) a self-adhesive frame 18 (substrate layer 31 with adhesive) applied in package of field emission display 10 which comprising a main body frame 31 having the cathode plate (conductive cathode layer 24) sealing surface and the anode plate sealing surface and a fixing side strip 31a (four lobes 31a projected across the sealing side) extending from the outer side of the main body frame 31, wherein the cathode plate and anode plate sealing surfaces spread by a coating of glue, the frame treated by heat-treatment and the fixing strip 31a (32a) has a predetermined glue spreading area ([0053]). Yamada further discloses (paragraph [[0027], 0041]) the low melting glass glue can be used for attaching the frame and the cathode sealing surface.

The recitation of 'for temporary fixing with the cathode plate and the anode plate' has not been given patentable weight because is considered an intended use recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Regarding claim 2 Yamada discloses (Figs. 5,6) at the fixing condition the self-adhesive frame mates with the cathode plate and anode plate in the position relationship having the fixing strip 31a(32a) at the same side of the anode conductor.

Referring to claim 3 it is clearly evident from Fig. 5 of Yamada that the shape of the main body frame 31 is rectangular.

Referring to claim 4 Yamada discloses (Figs. 1,2) the cathode plate sealing surface with substrate 12 and the anode plate sealing surface with substrate 11 are mutually parallel.

Regarding claim 5 The Examiner notes that the claim limitation that "spreading action of glass glue is by screen printing " is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that self-adhesive frame applied in package of field emission display disclosed by Yamada is at least a fully functional equivalent to the Applicant's claimed self-adhesive frame as evidenced by Yamada's suggestion of all of the Applicant's claimed structural limitations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,583,552 to Koyama discloses image forming apparatus with supporting frame between the rear and front plates. U.S. Patent Application Publication 2004/0124760 to Pothoven et al. discloses ([0019]) sealing

Art Unit: 2879

material applied on the frame by screen printing. U.S. Patent Application Publication 2005/0264861 to Enomoto et al. discloses a flat display device having rectangular frame body with projections protruding outward from corner portions. JP 2000251767 to Tagawa et al. discloses a device high in assembling accuracy, high image quality and high productivity by placing a support frame with a projecting flexible portion.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sikha Roy

Sikha Roy
Patent Examiner
Art Unit 2879